

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

2004-03-22 C.A. NO. 03-12635-MLW

JOHN SANCES and KENNETH SANCES,  
individually and in their capacity as TRUSTEES  
OF THE 305 UNION STREET REALTY TRUST,

Plaintiffs

v.

TOWN OF HOLBROOK, GEORGE JAMESON,  
JOHN CALLAHAN, JOHN PAPP, CLIFF JACOB  
and JACK CULHANE, individually and as  
members of the Holbrook Planning Board, and  
DANIEL MORIARTY, individually and as  
Building Inspector for the Town of Holbrook,

Defendants

DEFENDANTS' MOTION TO  
ALLOW LATE FILING OF  
RESPONSE TO COMPLAINT

Now come the defendants, Town of Holbrook, et al. and hereby respectfully request that this Honorable Court allow the defendants to file their response to the Complaint 10 days late, and accept the response filed provisionally herewith. As grounds therefor, defendants state as follows:

1. This action was removed to this Court from Norfolk Superior Court on December 31, 2003.
2. Following removal, plaintiff's counsel twice informed defense counsel that he wished to amend the Complaint.
3. In the interest of judicial economy, defense counsel twice agreed to postpone filing a response to the Complaint so that plaintiffs could file an Amended Complaint without moving the Court to do so.

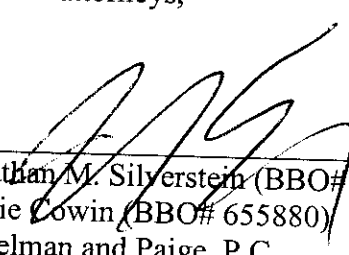
4. This Court twice allowed defendants' assented-to motions to extend the time in which to respond to the Complaint. Most recently, the Court extended the time in which to respond to March 12, 2004.
5. As of March 12, 2004, plaintiffs had not filed or served an Amended Complaint. Therefore, defense counsel prepared a response to the original Complaint.
6. Defendants request that, because defense counsel postponed preparing a response to the Complaint in order to allow plaintiffs to amend the Complaint, they be permitted to file their response 10 days late.

WHEREFORE, the defendants, Town of Holbrook, et al. respectfully request that this Court allow the defendants to file their response to the Complaint 10 days late, and accept the response filed provisionally herewith.

DEFENDANTS,

TOWN OF HOLBROOK, ET AL.

By their attorneys,

  
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party by mail on 3/22/04

jc